



Clay County Board Minutes



COUNTY BOARD OF SUPERVISORS

Courthouse, Clay Center, Nebraska, January 25, 2011 at 9:00 A.M.

The Clay County Board of Supervisors met January 25, 2011 as per public notice given in the Clay County News on January 19, 2011 a copy of the proof of publication being on file in the County Clerk's Office. Availability of the agenda was communicated in the advance notice of the meeting and on the county website. Chairman Fintel presided with roll call showing the following present: Nuss, Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel. Minutes of the meetings held January 18, 2011 were mailed to the board members. All of the proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman, Ivan Fintel stated that the open meeting law poster is posted on the west wall in the back of the room.

There was no public input.

Motion by Samuelson and seconded by Shaw to approve the minutes of the meetings held January 18, 2011 as mailed. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

Thomas Roemmich II, Highway Superintendent reported that the department was working on snow removal, servicing equipment and burning tree piles. It was decided to not advertise for buildings at this time. The road work report was distributed. There was a preliminary discussion of the 1 & 6 year road plan. Projects that were completed last year were #'s 179, 241 and 171A; 4 bridges were replaced with culverts; there were 27 culverts placed across roads and 36 culverts were replaced in driveways and 6 miles of new grading were completed. Priority projects were reviewed with the grading of roads being an important component.

Motion by Schmidt and seconded by Shaw to approve the Highway Superintendent's road work report for the month of January 2011. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Nuss, Samuelson and Fintel. Motion carried.

At 9:30 A.M. the bids for the shredder and tractor were opened. Those submitting bids were: Diamond Mowers, Sioux City, South Dakota and Oregon Trail Equipment, Fairfield, Nebraska. A representative from Oregon Trail was present and given the opportunity to discuss the bid and answer questions from the board.

Diamond Mowers: 2009 John Deere 6330 with New Diamond 60" rotary cutter head; 461 hours. Proposal No. 1 \$47,000; Proposal No. 2 \$47,000 less \$20,000 trade in-net \$27,000.

Oregon Trail Equipment: new JD 6330 Premium w/Tiger TM-160 side mount mower. Proposal No. 1 \$76,500; Proposal No. 2 \$76,500 less \$23,500 trade in – net \$53,000.

Motion by Nuss and seconded by Samuelson to accept the bid from Diamond Mowers for a 2009 John Deere 6330 w/new diamond 60" rotary cutter head in the amount of



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\$27,000. On roll call, yea: Schmidt, Johnson, Shaw, Nuss, Samuelson, Anderson and Fintel. Motion carried.

Wages were discussed. Motion by Nuss and seconded by Samuelson to give the Highway Superintendent a \$120.00 per month wage increase retroactive to January 1, 2011. On roll call, yea: Johnson, Shaw, Nuss, Samuelson, Anderson, Schmidt and Fintel. Motion carried.

Janis Johnson was not able to meet with the board.

Jeff Franklin, County Sheriff told the board that the bid he had received for the patrol car was \$300.00 less than first bid; he will order it the 1st of February. The bank robbery trial has been postponed. Jeff is concerned about LB390 which would affect Jail Standards.

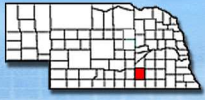
Motion by Shaw and seconded by Johnson to open the public hearing at 10:30 A.M. On roll call, yea: Shaw, Nuss, Samuelson, Anderson, Schmidt, Johnson and Fintel. Motion carried. The purpose of which is to hear and act upon the recommendation from the Clay County Joint Planning and Zoning Commission regarding a conditional use permit for a proposed wireless telecommunications tower to be built on part of the NE ¼ of Sec. 17-T5N-R7W.

Barb Barnett, Zoning Administrator presented the recommendation of the Clay County Joint Planning and Zoning Commission for a conditional use permit for a wireless telecommunications tower, building and backup generator with propane tank and fencing. Also present was Jerry Carpenter, whose firm represents US Cellular, who explained the location and purpose of the tower they are requesting a conditional use permit for. A technician would check the site monthly and service equipment. The tower would help provide better coverage to Fairfield and cover coverage gaps between Highways 14 & 74. They have a division of the company that handles requests from other entities requesting to co-locate on the tower. Mr. Carpenter answered questions from the board concerning placement of guide wires and uses of the land surrounding the site. No other persons appeared; no other comments or objections written or oral were received.

Motion by Johnson and second by Nuss to close the public hearing at 10:40 AM. On roll call, yea: Nuss, Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel. Motion carried.

Motion by Shaw and seconded by Johnson to accept the recommendation of the Clay County Joint Planning and Zoning Commission to approve the request from USCOC Nebraska/Kansas, LLC (dba US Cellular) for a conditional use permit for a wireless telecommunications tower, building and backup generator with propane tank and fencing with no conditions. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

Bob Rose, Emergency Manager presented the Emergency Manager Log report. Bob told the board that the Mitigation Plan that was started 2 years ago had been finalized. It has been put on the agenda for the next meeting for the board to review and sign the



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resolution. This will open up eligibility to apply for grants. Bob told the board that there are 3 new AED's available for placement and asked the board where he would like them to go. One of the board members questioned Bob about a manual he brought to the meeting on the formation of a Strategic Response Team and the need for this in Clay County. Bob replied that he hadn't seen it and was unable to answer the questions. Bob was also questioned about throw phones and the need for them. Bob explained that as part of the Region Clay County received one; they were placed throughout the region and only went to counties who had completed the training; the Sutton PD has possession of and maintains the one received by Clay County.

The Board conducted the Emergency Manager's annual evaluation. It was mentioned that the board would like more information concerning grants. Bob said he always came before the board, told them what grants he was applying for, how much money was being applied for and what the money would be used to purchase; once the grants were received the board was informed of how much was received, what was purchased with the money and where those items were located. The board would like more detail in the future. The board told Bob they would like to see him in an office not working out of his home. Bob explained with the nature of his job that he would not be in the office a lot; he attends a lot of meetings and does the paperwork in the evenings at home. Bob was asked if he would be receptive to managing multiple counties. Bob said it could be done but what would Clay County be willing to give up in terms of what he is doing now.

Motion by Nuss and seconded by Schmidt to re-appoint Bob Rose as Clay County Emergency Manager for 2011. On roll call, yea: Schmidt and Nuss; nay: Anderson, Johnson, Shaw, Samuelson and Fintel. Motion failed.

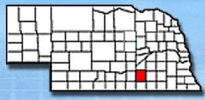
Travis Songster, Custodian was asked to come back at 1:30 PM today.

Ted Griess, County Attorney reported that in preparing the ad for the sale of the buildings that he discovered a more lengthy legal description that included a few acres that went along with the buildings. Ted feels that another public hearing to set the fair market value needs to be held. Ted was asked to come back at 1:45 PM today.

Motion by Samuelson and seconded by Shaw to recess as the Board of Supervisors at 11:50 A.M. On roll call, yea: Schmidt, Johnson, Shaw, Nuss, Samuelson, Anderson and Fintel. Motion carried.

The Board of Supervisors sitting as the Weed Control Board resumed session at 11:51 A.M. All the board members were present; Bruce Rumsey, Weed Supt. was also present.

The Weed Superintendent's reports were accepted as presented; they had been reviewed last week. Motion by Shaw and seconded by Nuss to authorize the chairman to sign the Weed Control Board Roster Report, Activity Report, Weed Infestations Report, Budget Report and the Weed Control Plan for 2011. On roll call, yea: Johnson, Shaw, Nuss, Samuelson, Anderson, Schmidt and Fintel. Motion carried.



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Motion by Johnson and seconded by Nuss to adjourn as the Weed Control Board at 11:55 AM. On roll call, yea: Shaw, Nuss, Samuelson, Anderson, Schmidt, Johnson and Fintel. Motion carried.

Motion by Samuelson and seconded by Shaw to resume session as the Board of Supervisors at 11:56 AM. On roll call, yea: Nuss, Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel. Motion carried.

Wages were discussed. Motion by Shaw and seconded by Nuss to give the Weed Superintendent a \$90.00 per month wage increase retroactive to January 1, 2011. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw, Nuss and Fintel. Motion carried.

The board recessed for lunch at 12:10 PM. Nuss said he would not be back for the afternoon session.

The board resumed session at 1:00 PM. Josh Andersen talked to the board about the LB529 hearing to be held on February 3, 2011. Josh encouraged the board members to attend the hearing. He has attended hearings and explained the procedure that is followed in testifying. Josh also noted that there are 5 bills being introduced that would have an effect on how the Nebraska Environmental Trust would be able to spend money.

Travis Songster, Custodian reported that a heater had been purchased for the Jury room. He reported on an electrical problem that affected the public defenders office, judges chamber and the office next to the public defenders office. The progress of the light replacement project was discussed. The courthouse and sheriff still need to be finished. Travis reported on snow removal. The board asked Travis to get thermometers in order to monitor the temperature in the attic space now that the sprinkler system has been installed.

Motion by Johnson and seconded by Shaw to table General Fund claim #2035. On roll call, yea: Anderson, Schmidt, Johnson, Shaw, Samuelson and Fintel; absent: Nuss. Motion carried.

Motion by Johnson and seconded by Samuelson to approve the remainder of the claims and authorize the County Clerk to issue warrants on the respective funds. On roll call, yea: Schmidt, Johnson, Shaw, Samuelson, Anderson and Fintel; absent: Nuss. Motion carried.

GENERAL FUND

| | |
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| Employees, Full Time Wage | \$70,306.25 |
| Adams County Sheriff, Fees | 55.00 |
| AFLAC, Insurance | 417.68 |
| Alan T Witte Sales & Service, Supplies | 333.29 |
| Ameritas Life Ins., Retirement, Vision | 11,067.42 |
| Mike Anderson, Mileage | 80.00 |
| Gene Arnold, Prior Service | 7.00 |
| AS Central, Support | 12.00 |



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| ASK Supply Co, Supplies | 62.50 |
| B Van Electric, Labor | 103.48 |
| Baird & Griess, Wireless, Postage | 33.00 |
| Barb Barnett, Mileage, Meals | 8.56 |
| Becks Farm Equipment, Supplies | 93.77 |
| Blue Cross Blue Shield, Ins. | 38,840.94 |
| Donna Boeka, Prior Service | 12.00 |
| Mike Burns, Service | 2,600.00 |
| Business World, Supplies | 280.67 |
| Carpenter Reporting, Inc., Service | 722.20 |
| Central NE County Assessor's Assoc., Dues | 20.00 |
| City of Clay Center, Utilities | 592.71 |
| Clay Center Lumber, Supplies | 172.40 |
| Clay Center Market, Supplies | 565.04 |
| Clay County News, Ads | 928.78 |
| Clay County Sheriff, Fees | 75.43 |
| Clay County Treasurer, Postage, Checks | 1,447.17 |
| Corner Market, Supplies | 688.78 |
| Cornerstone Bank, Withholding | 21,130.40 |
| Jack Cox, Mileage, Supplies | 19.38 |
| CPI, Fuel | 1,442.92 |
| Credit Management Service, Garnishment | 168.68 |
| Dales Electric, Parts & Labor | 11,305.00 |
| Datacc, Internet, Service | 288.50 |
| Dell Marketing, Supplies | 35.00 |
| Division of Comm., Service | 448.00 |
| Jennie Dugan-Hinrichs, Services | 75.00 |
| Eakes, Supplies | 773.17 |
| First Concord Benefits Group, Sec. 125 | 1,521.25 |
| Christine Flesner, Prior service | 12.00 |
| Friesen Chevrolet, Inc., Service | 70.03 |
| Rollo Gass, Mileage | 45.00 |
| George's 66 Service, Fuel | 531.63 |
| Lawrence Griess, Prior service | 10.00 |
| Janet Hajny, Prior Service | 25.00 |
| Hartford Life Ins., Ins | 100.00 |
| Hastings Honda, Service | 14.85 |
| Hometown Leasing, Copier leases | 505.92 |
| Hoofy's Welding, Repair | 1,300.00 |
| Gary Johnson, Mileage | 98.00 |
| King County Sheriff's Office, Service | 92.00 |
| Lancaster County Sheriff, Service | 6.00 |
| Latimer Reporting, Service | 457.90 |
| Madison National Insurance Services Inc, Ins. | 29.20 |
| Robert Matticks, Prior service | 25.00 |



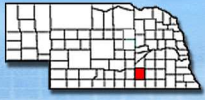
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| Maximus, Service | 1,183.41 |
| Meininger Fire Protection Inc., Service | 7,035.66 |
| Memorial Health Clinic, Service | 117.00 |
| MIPS, Support, Supplies | 3,381.38 |
| NACT, Registration | 100.00 |
| NE Assoc of Co Clerk, Registration | 150.00 |
| NE Assoc of Co Officials, Registration, Supplies | 560.00 |
| Nebraska Boulder, Supplies | 158.04 |
| Danalee Nelson, Supplies | 102.95 |
| Todd Nuss, Mileage | 80.00 |
| O'Keefe Elevator Co. Inc., Maintenance | 270.26 |
| Sarah Peshek, Cleaning | 500.00 |
| Jenny Rees, Phone | 25.00 |
| Robert Roos, Services | 75.00 |
| Bob Rose, Expenses | 466.81 |
| Eric Samuelson, Mileage | 100.00 |
| Gerald Schmidt, Mileage | 18.00 |
| Secretary of State, Supplies | 20.00 |
| Seiler & Parker PC, Service | 1,346.00 |
| Smith Lawn Care, Service | 125.00 |
| Source Gas, Utilities | 2,772.73 |
| South Central Public Power, Utilities | 1,397.64 |
| Spencer Fane Britt & Brown, Services | 161.00 |
| Standard Appraisal Services Inc., Service | 2,537.50 |
| State of NE HHS Lab, Service | 168.00 |
| Cindy Strasheim, Phone | 49.02 |
| Superior Deshler Inc., Supplies | 96.07 |
| Ted's OK Tires, Inc., Repairs | 17.34 |
| University of Nebraska, Registration | 75.00 |
| US Bank, Meals, Fuel | 86.02 |
| Verizon Wireless, Cell Phone | 132.85 |
| Wal-Mart, Supplies | 51.46 |
| Whelan, Scherr, Glenn, Goding & Mead, Service | 1,371.15 |
| Windstream, Service | 1,355.81 |
| Woodward's, Garbage | 105.00 |
| York County Sheriff, Service | 25.36 |

ROAD FUND

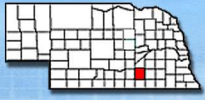
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| Employees, Full Time Wage | \$30,904.67 |
| AFLAC, Insurance | 209.74 |
| Ameritas Life Ins., Retirement, Vision | 4,911.82 |
| Applies Controls Equipment, Parts | 231.56 |
| ARTeCK, Supplies | 765.56 |
| Becks Farm Equipment, Inc., Supplies | 1,401.63 |
| Big G Ace, Supplies | 86.69 |



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| Blue Cross Blue Shield, Ins. | 2,131.70 |
| Car Quest of Grand Island | 458.08 |
| City of Clay Center, Utilities | 54.18 |
| City of Edgar, Utilities | 48.84 |
| City of Fairfield, Utilities | 27.65 |
| City of Harvard, Utilities | 43.00 |
| City of Sutton, Utilities | 81.61 |
| Clay Center Lumber, Supplies | 102.15 |
| Clay Center Market, Supplies | 6.98 |
| CPI, Fuel, Tires | 3,866.15 |
| Clay County News, Ads | 40.19 |
| Cornerstone Bank, Withholdings | 10,282.56 |
| Datacc, Internet | 38.50 |
| Deweese Sand & Gravel, Inc., Supplies | 5,425.39 |
| FilterCare of NE, Supplies | 40.10 |
| First Concord Benefits Group, Sec. 125 | 75.00 |
| George Bros., Fuel | 7,251.80 |
| George's 66, Fuel | 61.66 |
| Island Supply, Supplies | 758.12 |
| Kelly Supply Co., Parts | 12.78 |
| Ken & Al's Service Inc, Fuel, Supplies | 2,620.80 |
| Kenesaw Motor Co., Parts & Labor | 3,098.95 |
| Kirkham Michael, Engineering | 9,561.90 |
| Kully Pipe & Steel, Parts | 1,725.45 |
| Madison National Insurance Services Inc, Ins. | 28.07 |
| Matheson Tri-Gas Inc, Supplies | 180.03 |
| Matt Friend Truck Equipment, Supplies | 317.50 |
| Midwest Service & Sales Co., Materials | 9,754.00 |
| NCS, Signs | 208.64 |
| Newman Signs, Supplies | 1,446.73 |
| NMC, Supplies, Labor | 23,291.43 |
| Olsson Associates, Surveyor | 2,818.63 |
| Oregon Trail, Supplies | 231.21 |
| Orschlen, Supplies | 73.48 |
| Overhead Door, Repair | 90.38 |
| Paramount Linen & Uniform, Supplies | 64.32 |
| Pavelka Truck & Trailer Repair, Parts | 15.98 |
| R & K Service, Fuel | 1,472.47 |
| Safelite Fulfillment, Inc., Labor | 430.00 |
| Source Gas, Utilities | 742.76 |
| South Central Public Power, Utilities | 274.93 |
| Stern Oil Co. Inc., Oil | 1,305.26 |
| Superior Deshler Inc., Fuel | 64.70 |
| Sutton Lumber, Supplies | 96.73 |
| Universal Hydraulics, Inc., Parts | 9.06 |



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| Windstream, Service | 98.75 |
| Woodward's, Garbage | 42.50 |

RELIEF-MEDICAL FUND

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| Livingston Butler Volland, Burial | \$3,000.00 |
| Martin Nutter, Rent | 400.00 |
| NE Dept of Heath, Qtrly Billing | 14.25 |

INSTITUTIONS FUND

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| Nebraska Health & Human Service, Beatrice, Norfolk | \$168.00 |
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JUVENILE SERVICES GRANT FUND

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| Adams County Diversion, Grant | \$1,000.00 |
| Probation, Grant | 1,500.00 |
| Carissa Uhrmacher, Admin Exp | 1,020.00 |

INHERITANCE TAX FUND

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| Region 3 Behavioral Heath Services, 3rd Qtr | \$3,315.00 |
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HEALTH FUND

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| Employees, Full Time Wage | \$5,728.98 |
| Ameritas Life Ins., Retirement | 960.06 |
| Axis Capital Inc. Lease | 63.00 |
| Blue Cross Blue Shield, Ins. | 867.59 |
| Eleanor Clark, Mileage | 328.13 |
| Clay County News, Advertising | 84.00 |
| Cornerstone Bank, Withholdings | 2,230.40 |
| Culligan's of Hastings, Supplies | 37.15 |
| Eakes, Supplies | 25.05 |
| First Concord Benefits Group, Sec. 125 | 130.00 |
| GlaxoSmithKline Pharmaceuticals, Vaccine | 847.70 |
| Janis Johnson, Mileage | 156.94 |
| Sanofi Pasteur, Inc., Vaccine | 367.59 |
| United States Post Office, Postage | 44.00 |
| Wal-Mart, Supplies | 20.58 |
| Windstream, Service | 173.04 |

WEED FUND

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|-----------------------------------|------------|
| Employee, Full Time Wage | \$2,237.79 |
| Ameritas Life Ins Co., Retirement | 343.53 |
| Becks Farm Equipment, Supplies | 4.25 |
| Clay Center Lumber, Equipment | 103.81 |
| Cornerstone Bank, Withholdings | 911.98 |
| CPI, Fuel | 114.72 |
| Datacc, Internet | 28.50 |



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| NE Dept of Agriculture, License | 90.00 |
| Bruce Rumsey, Repair | 35.90 |
| South Central Public Power, Utilities | 126.88 |
| Windstream, Service | 46.64 |

911 FUND

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| Windstream, Service | \$862.01 |
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Visitors Promotion Fund

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| Edgar Community Club, Tourism Promotion | \$200.00 |
| Pamela Maynard, Admin Expenses | 55.00 |

Motion by Anderson and seconded by Shaw to appoint Kirkham, Michael and Associates as Engineering firm for Clay County for 4 years; from January 2011 to January 2015. On roll call, yea: Johnson, Shaw, Samuelson, Anderson, Schmidt, and Fintel; absent: Nuss. Motion carried.

Ted Griess, County Attorney was asked how the board should proceed in replacing the Emergency Manager. Ted asked the board what their plan was and what direction they were wanting to go. It was decided to appoint a temporary Emergency Manager.

Motion by Shaw and seconded by Samuelson to appoint Jeff Franklin as temporary Emergency Manager. On roll call, yea: Shaw, Samuelson, Johnson and Fintel; nay: Anderson and Schmidt; absent: Nuss. Motion carried.

Motion by Anderson and seconded by Johnson to adjourn this meeting at 2:15 PM.; next meeting scheduled for February 8, 2011. On roll call, yea: Samuelson, Anderson, Schmidt, Johnson, Shaw and Fintel; absent: Nuss. Motion carried.

After adjournment, the board went to the jail for the quarterly inspection.

Deb Karnatz, County Clerk

Ivan Fintel, Chairman